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AMENDMENTS TO LB 212

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 2-2701.01, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 2-2701.01. For purposes of sections 2-2701 to 2-2711,
6 unless the context otherwise requires:

7 (1) Board shall mean the University of Nebraska Board of
8 Tractor Test Engineers which shall consist of three engineers under
9 the control of the university;

10 (2) Current tractor model shall mean any model included
11 in the manufacturer's annual price list of tractors being offered
12 for sale by its dealers or distributors;

13 (3) Department shall mean the Department of Agriculture;

14 (4) Director shall mean the Director of Agriculture or
15 his or her authorized representative;

16 (5) Person shall mean bodies politic and corporate,
17 societies, communities, the public generally, individuals,
18 partnerships, limited liability companies, joint-stock companies,
19 and associations; and

20 (6) Tractor shall mean an agricultural tractor of ~~forty~~
21 sixty or more horsepower which is a traction machine designed and
22 advertised primarily to supply power to agricultural implements and
23 farmstead equipment. An agricultural tractor propels itself and
24 provides a force in the direction of travel to enable attached

1 soil-engaging and other agricultural implements to perform their
2 intended function.

3 Sec. 2. Sections 2 to 9 of this act shall be known and
4 may be cited as the Tractor Testing Act.

5 Sec. 3. For purposes of the Tractor Testing Act:

6 (1) Board means the University of Nebraska Board of
7 Tractor Test Engineers which consists of three engineers under the
8 control of the university;

9 (2) Current tractor model means any tractor model
10 included in the manufacturer's annual price list of tractors being
11 offered for sale by its dealers or distributors;

12 (3) Person means bodies politic and corporate, societies,
13 communities, the public generally, individuals, partnerships,
14 limited liability companies, joint-stock companies, and
15 associations; and

16 (4) Tractor means an agricultural tractor of sixty or
17 more horsepower which is a traction machine designed and advertised
18 primarily to supply power to agricultural implements and farmstead
19 equipment. An agricultural tractor propels itself and provides a
20 force in the direction of travel to enable attached soil-engaging
21 and other agricultural implements to perform their intended
22 function.

23 Sec. 4. (1) (a) The Board of Regents of the University of
24 Nebraska shall adopt and promulgate rules and regulations setting
25 forth codes for the official testing of tractors.

26 (b) The Board of Regents of the University of Nebraska
27 shall adopt procedures for the official testing of agricultural

1 tractors as prescribed by the Organization for Economic Cooperation
2 and Development.

3 (c) The Board of Regents of the University of Nebraska
4 shall also adopt and promulgate rules and regulations for the
5 testing of tractors as published by the Society of Automotive
6 Engineers International and the American Society of Agricultural
7 Engineers.

8 (2) In addition to the powers and duties prescribed in
9 the Tractor Testing Act, the University of Nebraska shall have the
10 power to:

11 (a) Authorize the use of the Nebraska Tractor Testing
12 Laboratory facilities to conduct Organization for Economic
13 Cooperation and Development testing and other official tests;

14 (b) Cooperate with the United States Department of
15 Commerce when planning and conducting Organization for Economic
16 Cooperation and Development testing;

17 (c) Conduct offsite tractor tests; and

18 (d) Submit and certify tractor test results to the
19 federal government.

20 Sec. 5. Whenever a current tractor model has been tested
21 by the University of Nebraska or an official test result has been
22 submitted from any Organization for Economic Cooperation and
23 Development test station for review, the board shall prepare a
24 report of the results of such official test or review.

25 Sec. 6. (1) An application to test a current tractor
26 model by the University of Nebraska shall be submitted to the Board
27 of Regents of the University of Nebraska with an application fee

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1 prescribed by the board. The application fee shall defray the
2 expenses of processing the application.

3 (2) The Board of Regents of the University of Nebraska
4 may establish and change from time to time as it determines
5 advisable a schedule of fees for testing current tractor models by
6 the Nebraska Tractor Testing Laboratory and a schedule of fees for
7 reviewing an official test of a current tractor model performed at
8 any Organization for Economic Cooperation and Development test
9 station other than the Nebraska Tractor Testing Laboratory. Fees
10 charged and collected for such testing or review shall be remitted
11 to the State Treasurer for credit to the University of Nebraska
12 Tractor Test Cash Fund, which fund is hereby created. The fund
13 shall be used by the Nebraska Tractor Testing Laboratory to defray
14 the expenses of testing current tractor models and reviewing
15 official test results. Any accrued interest shall also be credited
16 to the fund. Any money in the fund available for investment shall
17 be invested by the state investment officer pursuant to the
18 Nebraska Capital Expansion Act and the Nebraska State Funds
19 Investment Act.

20 Sec. 7. The report of an official current tractor model
21 test or review performed pursuant to section 2-2703 shall be
22 published by the board and made available in the Biological Systems
23 Engineering Department of the University of Nebraska and in such
24 other places as may be designated by the board. All information
25 pertaining to the official testing of a current tractor model shall
26 be public record and available for inspection during normal
27 business hours.

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1 Sec. 8. No person shall use the results of official
2 current tractor model tests or reviews performed pursuant to
3 section 5 of this act in such manner as would cause it to appear
4 that the University of Nebraska intended to recommend the use of
5 any given current tractor model in preference to any other model.

6 Sec. 9. Current tractor models shall be tested or
7 reviewed in the order in which the applications are submitted for
8 such tests or reviews, and no discrimination shall be made for or
9 against any person in any manner whatsoever. Complaints alleging a
10 violation of this section shall be heard by the vice chancellor for
11 the University of Nebraska Institute of Agriculture and Natural
12 Resources.

13 Sec. 10. Sections 1 and 11 of this act become operative
14 on their effective date. The other sections of this act become
15 operative on July 1, 2008.

16 Sec. 11. Original section 2-2701.01, Reissue Revised
17 Statutes of Nebraska, is repealed.

18 Sec. 12. The following sections are outright repealed:
19 Sections 2-2701 to 2-2703 and 2-2705 to 2-2711, Reissue Revised
20 Statutes of Nebraska.".